

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TERRANCE A. MCCAULEY,

Petitioner,

v.

OPINION and ORDER

23-cv-53-wmc¹

TROY KNUDSON,

Respondent.

Terrance A. McCauley has filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 and a brief in support. Dkt. 1–2. He seeks to dismiss the criminal proceedings against him in four Rock County Circuit Court cases as nonjusticiable because he is a “citizen of the Moorish American Theocratic Government” and the proceedings interfere with the sovereign interests of that government. Dkt. 2 at 5–6.

I have warned McCauley in dismissing a civil rights lawsuit and in denying a prior § 2241 petition that “[a]ny future cases or motions that [he] files based on the assertion that he is sovereign and beyond the jurisdiction of the courts will be dismissed immediately as frivolous.” *Moorish Science Temple of America ex rel McCauley v. McCrory*, No. 22-cv-475-wmc, 2022 WL 5241859 at *3 (W.D. Wis. Oct. 6, 2022); *McCauley-Bey v. Jefferson Cnty. Sheriff’s Office*, No. 22-cv-73-wmc, 2022 WL 16906465 (W.D. Wis. Oct. 6, 2022). Because such patently frivolous arguments do not support any claim that McCauley is “in custody in violation of the Constitution or law or treaties of the United States,” 28 U.S.C. § 2241, the petition will be denied without further analysis.

¹ I am exercising jurisdiction over this case for the purpose of this order only.

Under Rule 11 of the Rules Governing Section 2254 Cases (which can be applied to cases under § 2241 as well), I must issue or deny a certificate of appealability when entering a final order adverse to a petitioner. The question is whether “reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (internal quotations and citations omitted). Because McCauley has not made a substantial showing of a denial of a constitutional right, no certificate will issue.

ORDER

IT IS ORDERED that:

1. Petitioner Terrance A. McCauley’s petition for a writ of habeas corpus under 28 U.S.C. § 2241, Dkt. 1, is DENIED and this case is DISMISSED as frivolous.
2. Petitioner’s motion for an injunctive order, Dkt. 3, and his motion to intervene, Dkt. 4, are DENIED as moot.
3. Petitioner is DENIED a certificate of appealability. If petitioner wishes, he may seek a certificate from the court of appeals under Fed. R. App. P. 22.
4. The clerk of court is directed to enter judgment accordingly and close this case.

Entered February 1, 2023.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge